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August 27, 2018

**By ECF**

Hon. Gabriel W. Gorenstein  
Chief United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Rafael Arden Jones, Sr. v. Miles Holman, et al.,  
16 Civ. 556 (AJN)(GWG)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, attorney for defendants Miles Holman, Michael Holman, Evan Mele, Patrick Venetek, and Daniel Barreto. I write to respectfully request a 60 day extension of discovery.

Pursuant to Your Honor's Individual Practices Rule 1E, defendants respectfully request that discovery be extended by 60 days, from September 17, 2018 to November 16, 2018. Defendants respectfully request that any summary judgment motion be filed on December 7, 2018. If no such motion is filed, defendants respectfully request that plaintiff be ordered to file his Pretrial Statement in accordance with Paragraph 10 of Judge Nathan's Special Rules of Practice in Civil Pro Se Cases by December 14, 2018. This is the fourth request for an extension of discovery in this matter. Defendants' counsel spoke to plaintiff by telephone to inquire if he would consent to this request on August 24, 2018 at approximately 2:00 p.m. for approximately ten minutes, and on August 27, 2018 at approximately 11:30 a.m. for approximately five minutes. Plaintiff stated on August 27, 2018 that he does not consent to this request because he believes defendants have been granted too many "continuances." Defendants informed plaintiff that they would seek the extension of discovery regardless, and would note his position in this letter.

The reason for this request is that defendants still have not received plaintiff's medical records and any Comprehensive Psychiatric Emergency Program (CPEP) records that may exist from Bellevue Hospital. As the Court is aware, defendants received a properly executed HIPAA authorization from plaintiff on April 18, 2018, which was forwarded to Bellevue Hospital on April 19, 2018 with a request that it be expedited. Numerous follow up phone calls were made to Bellevue Hospital, which are detailed in defendants' letter of July 12, 2018. Since that letter

was filed, this office spoke to Bellevue Hospital on July 23, 2018, and was informed that the records were to be mailed by Friday, July 27, 2018. On August 3, 2018, this office spoke to Bellevue Hospital to follow up and was informed that the records would not be sent until payment was received. On or about August 7, 2018, this office sent a payment check for the medical records. On August 24, 2018, the undersigned personally spoke to Bellevue Hospital's medical records unit and was informed that the records would be mailed by the end of the day.

Once plaintiff's Bellevue Hospital medical records are received, the undersigned will have to review them before scheduling depositions for plaintiff and the non-party witnesses from Services for the Underserved. The undersigned will be out of the office from August 29, 2018 through September 10, 2018 and thus unavailable to conduct any depositions during that time. Further, the undersigned will be on trial beginning October 15, 2018 in the Southern District of New York before District Judge Engelmayer in the consolidated cases of Daghrib Shaheed v. City of New York, et al., 14 Civ. 7424 (PAE) and Waheedah Shaheed v. City of New York, et al., 15 Civ. 3480 (PAE) and thus will have limited availability in October. The requested extension into November is thus necessary to ensure sufficient time for the remaining deposition discovery to be completed.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/

Christopher G. Arko  
Senior Counsel

cc: Rafael Arden Jones, Sr. (By Mail)  
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